IN THE UNITED ST TES PATENT AND TRADEMARK OFFICE
(Case No. 99-372-F)

PATENT

In re Application of: Welcher al.

Serial No.: 09/927,850

Filed: August 10, 2001

For: Interferon-Like Molecule and Uses Thereof

Before the Examiner: J. Andres

Group Art Unit: 1646

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

DECLARA ON PURSUANT TO 37 C.F.R § 1.131

We, Andrew A. Welcher, r iding at 1175 Church Street, Ventura, California; Duanzhi Wen, residing at 3885 Campus Drive, T ousand Oaks, California; and Michael Kelley, residing at 3866 Alta Mesa Drive, Studio City, Cal ornia; hereby declare:

1. We are named co-i ventors on United States Application No. 09/927,850, filed on August 10, 2001.

2. The invention disc sed and claimed in the instant patent application was conceived in the United States by us before ly 21, 1998 and was then diligently reduced to practice.

3. Accompanying thi Declaration are photocopies of forty-one (41) pages from our laboratory notebook showing con eption of our invention before July 21, 1998. Specifically, the photocopies of our laboratory not ook show that a genomic cloning approach was used to identify the nucleic acid sequence of huma interferon-like polypeptide (*see* page 34 of laboratory notebook). Three genomic clones were ide fied as containing nucleic acid sequences encoding at least a portion of human interferon-like p lypeptide (*i.e.*, clones 2, 6, and 7; *see* page 40). The nucleic acid sequences from these clones were olated and then re-cloned into a suitable sequencing vector. One of the three genomic clones was termined to contain a partial nucleic acid sequence for human interferon-like polypeptide and a ther genomic clone (*i.e.*, clone 6) was determined to contain a full-length nucleic acid sequence or human interferon-like polypeptide (*see* page 62). The amino

acid sequence of human interferon ike polypeptide was determined from the latter nucleic acid sequence.

4. The dates on the iboratory notebook pages have been redacted from the photocopies. However, the dates e before July 21, 1998, the date on which U.S. Provisional Application No. 60/093,643 was f d, from which U.S. Application No. 09/487,792 claims the benefit of priority, from which U. Patent No. 6,433,145 issued on August 13, 2002.

5. Also accompanyin this Declaration are photocopies of ten (10) pages from a Research Summary showing tha the invention disclosed and claimed in the instant patent application was diligently reduce to practice. Specifically, the photocopies of the Research Summary show that experiments ere performed in order to determine the function of protein encoded by the nucleic acid sequer e described in paragraph 3 above, and that once the function of the protein had been determined, Research Summary was prepared and submitted to the legal department of Amgen Inc., the assi ee of the instant application. More particularly, photocopies of the Research Summary show tha several versions of the human and rat IFN-L proteins were produced in a mammalian expres on system (*see* page 7) and that rat IFN-L:Fc fusion protein treatment of several cell lines wa found to cause phosphorylation of cellular proteins (*see* page 10).

6. The dates on th Research Summary pages have been redacted from the photocopies.

7. We hereby declare urther that all statements made herein by each of us to our own knowledge are true and that all st ements made on information and belief are believed to be true; and further that these statements v re made with the knowledge that willful false statements and the like so made are punishable by fi or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that su willful false statements may jeopardize the validity of the application or any patent issuing ereon.

Dated: June 10, 2004

Signed: Andrew A. Welcher
Andrew A. Welcher

Duanzhi Wen
Duanzhi Wen

Michael Kelly

Michael Kelly

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. 99-372-F)

PATENT

In re Application of:	**Welcher et al.**	
Serial No.:	**09/927,850**	**Before the Examiner:** **J. Andres**
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For:	**Interferon-Like Molecules and Uses Thereof**	

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P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

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1. We are named co-inventors on United States Application No. 09/927,850, filed on August 10, 2001.

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Dated: June 25, 2004

Signed: _____
Andrew A. Welcher

_____
Duanzhi Wen

Michael Kelly